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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/818,131	03/27/2001	Allen Kai-Lang Yu	10007602-1	8648

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EXAMINER	
PARDO, THUY N	

ART UNIT	PAPER NUMBER
2175	8

DATE MAILED: 05/24/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/818,131	YU, ALLEN KAI-LANG	
	Examiner	Art Unit	
	Thuy Pardo	2175	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *22 March 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-14* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. Applicant's Amendment filed on March 22, 2004 in response to Examiner's Office Action has been reviewed.

2. Claims 1-14 are presented for examination.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Biffar in view of Rose et al. (Hereinafter "Rose") US Patent No. 5,724,567.

As to claim 1, Biffar teaches a method for receiving qualitative ratings of an overall result in response to a present user's present search request are prioritized according to an algorithm which assigns greater weight to interest indications by relatively similar users making relatively similar search requests than to interest indications by relatively dissimilar users and than to

interest indications making relatively dissimilar search requests [see the abstract; fig. 8; col. 11, lines 35-45].

However, Biffar does not explicitly teach that search items returned are prioritized. Rose teaches that search items returned are prioritized [ranking each available item and indicating the degree of interest in each item of information, ab; fig. 7; col. 4. lines 40-47].

Therefore, it would have been obvious to one of ordinary skill in the Data Processing art at the time of the invention to have modified the communication service system of Biffar for receiving qualitative ratings of an overall result according a search algorithm [ab; col. 11, lines 35-45] provided thereof would have incorporated the teachings of Rose especially the methodology of providing a rank of a search result to the user; the motivation being to expand and enhance the versatility of Biffar's system by determining to the items of information that are believed to be important to a user [Rose, col. 2, lines 37-40].

As to claim 2, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches

receiving a search request from a user [col. 7, lines 31-33];

assigning said user to a community [ab; col. 7, lines 49-61; col. 2, lines 56 to col. 3, lines 14];

assigning said search request to a search query [fig. 3-4];

submitting said query so as to yield a set of response items [ab; col. 7, lines 62 to col. 8, lines 7]; and

prioritizing said response items as a function of prior search requests by said community [col. 11, lines 41-45].

As to claim 3, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches tracking indications of interest by said user in individual ones of said response items and storing the results of said tracking on a per user and/or per-community basis [col. 11, lines 53 to col. 12, lines 10].

As to claim 4, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches using said results in prioritizing items collected in response to subsequent search requests by other users assigned to said community [col. 11, lines 54-62].

As to claim 5, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches that all else being equal, interest indications associated with a community are given greater weight than other interest indications by the parent of said community [col. 4, lines 28-67].

As to claim 6, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches that said user is assigned to a community in part as a function of said indications of interest [col. 5, lines 4-9].

As to claim 7, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches that said user is assigned to a community as a function of a selection of said community by said user [col. 3, lines 25-35].

As to claim 8, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches said user is assigned to a community as a function of a profile of said user existing before said search request is made [col. 4, lines 28-65].

As to claim 10, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches a trader for tracking indications of interest by a user in search items collected in response to said search request from said user, said prioritizer using said indications of interest to determine said function for future queries [col. 7, lines 54-61].

As to claim 11, Biffar and Rose teach the invention substantially as claimed. Biffar further teaches said community assigner assigns said user to a community for said future search requests at least in part as a function of said indications of interest [col. 8, lines 35-56].

As to claim 12, Biffar and Rose teach the invention substantially as claimed, comprising: a key field identifying hit counts, a second field indicating a values for respective hit counts, a query context field indicating query contexts for respective hit counts, and a user and/or a community field indicating respective users and/or communities associated with said hit counts [see fig. 5].

As to claims 9, 13-14, all limitations of this claim have been addressed in the analysis above, and this claim is rejected on that basis.

Response to Arguments

4. Applicant's arguments have been fully considered but they are not persuasive.

5. Applicant argues that Biffar teaches prioritizing a single item.

As to point this, Examiner respectfully disagrees. Biffar teaches returning the search results and ranking the search results using various methodologies such as frequency of a site visited [col. 1, lines 28-30]. Each item from search results was ranked based on priority characteristics [see col. 11, lines 27-44; for example, Mercedes sport utility vehicle was ranked number one (first row), Durango sports vehicle is in the second row, and the Lincoln Navigator with a third row, col. 12, lines 40-50].

Applicant argues that there is no motivation to combine the Biffar and Rose references.

As to this point, The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988)and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Rose compensates Biffar's deficiency by

prioritizing the search returned items based on the indication of the degree of interest in each item [see the abstract; fig. 7; col. 4, lines 40-47].

Applicant argues that Biffar does not disclose a community.

Examiner respectfully disagrees. Biffar teaches that the system is profiling, i.e. it learns from all searches of all users and combines the user profile and patterns of similar users [col. 7, lines 52-61].

6. Applicant's arguments filed on March 22, 2004 have been fully considered but they are not persuasive.

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuy Pardo, whose telephone number is (703) 305-1091. The examiner can normally be reached Monday through Thursday from 8:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dov Popovici, can be reached at (703) 305-3830.

The fax phone number for the organization where this application or proceeding is assigned are as follows:

(703) 872-9306 (Official Communication)

and/or:

(703) 746-5616 ***(Use this Fax#, only after approval by Examiner, for "INFORMAL" or "Draft" communication. Examiner may request that a formal/amendment be faxed directly to then on occasions).***

Any inquiry of a general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3900.

9. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-5359, (for informal or draft communications, please label "PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington. VA., Sixth Floor (Receptionist).

May 19, 2004

THUY N. PARDO
PRIMARY EXAMINER